

RN99060

Serial number: 09/980,387

AMENDMENT

REMARKS/ARGUMENTS

It is asserted that these amendments do not add new matter and are supported by the specification and claims as originally filed. Entry of these claims is respectfully requested.

Claims 17-35 have been rejected.

Claims 17, 21, 23, and 27 have been amended.

Claim 20 has been canceled.

Claims 18-20, 22, 24-26 and 28-35 are kept unchanged.

Claims 17-19, and 21-35 are pending in the application.

Two replacement sheets of the drawing are herewith enclosed and are identified in the top margin as "replacement sheet". As requested by the Draftsperson, lines, numbers and letters are now uniformly thick and well defined, clean, durable and black. Numbers, letters and references are at least 1/8 inch in height.

An associate power of attorney is also herewith enclosed.

Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claim 27 under 35 U.S.C. 112, second paragraph, because the phrase "vinyl Versataste®" has been deleted in amended claim 27.

The rejection of claims 17-18, 22-23, and 26-35 as being anticipated by WO 98/58974 under 35 U.S.C. 102 (e), is now moot because:

- amended claim 17 is the result of a merger of former claims 17 and 20, and claim 20 (now canceled) was not rejected on that basis; and,
- claims 18, 22-23, and 26-35 are all dependent upon amended claim 17.

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The rejection under 35 U.S.C. 102 (b) of claim 19 as being anticipated by, or, in the alternative, under 35 U.S.C. 102 (e), as obvious over WO 98/58974, is now moot because claim 19 is dependent on amended claim 17, which is the result of a merger of former claims 17 and 20, and claim 20 (now canceled) was not rejected on that basis.

Claims 20-21 and 25 are rejected under 35 U.S.C. 103 (a) as being unpatentable over WO 98/58974. Applicant submits that WO 98/58974 does not explicitly describe a compound of formula (IA) or (IC) wherein R^2 represents a group of formula: $-\text{CH}_2\text{R}^5$, wherein R^5 represents an alkyl group substituted by at least one fluorine atom, chlorine atom, or bromine atom. The use of the claimed compound in controlled polymerization leads to unexpected results vis-à-vis non halogenated R^2 taught by WO 98/58974, such as a-(O-ethylxanthyl)propionate. These unexpected results relative to Mn and the ratio Mw/Mn are gathered in figures 1 and 2 of the drawing and are set forth in details on page 24, 25 and 27 of the instant specification.

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claims 20-21 and 25 under 35 U.S.C. 103 (a) as being unpatentable over WO 98/58974.

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In view of the preceding remarks, it is asserted that the patent application is in condition for allowance. Should the Examiner have any question concerning these remarks that would further advance prosecution of the claims to allowance, the examiner is cordially invited to telephone the undersigned agent at (609) 860-4180. A notice of allowance is respectfully solicited.

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RN99060.Amend

Respectfully submitted,

By

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